

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-11116

Campus Stores of Mass, Inc.,

v.

Follett Higher Education Group, Inc.,

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/3/05.


In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 24, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/24/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11116-NG**

Campus Store Of Mass., Inc. v. Follett
Higher Education Group, Inc.
Assigned to: Nancy Gertner
Case in other court: Suffolk Superior Court,
BLS-05-02120
Cause: 28:1332 Diversity-Other Contract

Date Filed: 05/27/2005
Jury Demand: Both
Nature of Suit: 190 Contract:
Other
Jurisdiction: Diversity

Plaintiff

**Campus Stores of Mass.,
Inc.**

represented by **Bradley L. Croft**
Ruberto, Israel & Weiner PC
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V.

Defendant

**Follett Higher Education
Group, Inc.**

represented by **Mark A. Berthiaume**

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NOTICED

Date Filed	#	Docket Text
05/17/2005	<u>1</u>	NOTICE OF REMOVAL by Follett Higher Education Group, Inc. from Suffolk Superior Court, case number BLS-2005-02120. , filed by Follett Higher Education Group, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Civil Cover Sheet)(Filo, Jennifer) (Entered: 05/31/2005)
05/27/2005	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Filo, Jennifer) (Entered: 05/31/2005)
05/27/2005	<u>2</u>	MOTION for Preliminary Injunction by Campus Store Of Mass., Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Filo, Jennifer) (Entered: 05/31/2005)
05/27/2005	<u>3</u>	MEMORANDUM in Support re <u>2</u> MOTION for Preliminary Injunction filed by Campus Store Of Mass., Inc.. (Filo, Jennifer) (Entered: 05/31/2005)
05/27/2005	<u>4</u>	Filing fee: \$ 250.00, receipt number 64619 regarding Notice of Removal <u>1</u> (Filo, Jennifer) (Entered: 06/01/2005)
05/31/2005	<u>4</u>	MOTION for Emergency Hearing re <u>2</u> MOTION for Preliminary Injunction by Campus Store Of Mass., Inc..(Filo, Jennifer) (Entered: 05/31/2005)
05/31/2005	<u>5</u>	Letter/request (non-motion) from Timothy Maguire to clerk re: Motion for Emergency Hearing. (Filo, Jennifer) (Entered: 05/31/2005)
05/31/2005	<u>6</u>	Opposition re <u>2</u> MOTION for Preliminary Injunction

		filed by Follett Higher Education Group, Inc.. (Berthiaume, Mark) (Entered: 05/31/2005)
05/31/2005	●7	AFFIDAVIT of Joseph Flanagan re <u>6</u> Opposition to Motion by Follett Higher Education Group, Inc.. (Berthiaume, Mark) (Entered: 05/31/2005)
05/31/2005	●8	AFFIDAVIT of Kenneth K. Quigley, Jr. re <u>6</u> Opposition to Motion <i>for a Preliminary Injunction</i> by Follett Higher Education Group, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D) (Berthiaume, Mark) (Entered: 05/31/2005)
06/02/2005	●11	STATE COURT Record. (Filo, Jennifer) (Entered: 06/09/2005)
06/02/2005	●12	CERTIFICATE of Filing Notice of Removal by Follett Higher Education Group, Inc. (Filo, Jennifer) (Entered: 06/09/2005)
06/03/2005	●9	AFFIDAVIT of Eric A. Cressman in Support re <u>2</u> MOTION for Preliminary Injunction filed by Campus Store Of Mass., Inc.. (Croft, Bradley) Additional attachment(s) added on 6/7/2005 (Filo, Jennifer). (Entered: 06/03/2005)
06/06/2005	●10	AFFIDAVIT of Kenneth K. Quigley, Jr. <i>AMENDED</i> by Follett Higher Education Group, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Berthiaume, Mark) (Entered: 06/06/2005)
06/08/2005	●	ELECTRONIC NOTICE of Hearing on Motion for Preliminary Injunction: Motion Hearing set for 6/24/2005 09:30 AM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 06/08/2005)
06/10/2005	●13	Letter to Jennifer Filo from Timothy E. Maguire re: Affidavit of Kenneth Quigley. (Patch, Christine) (Entered: 06/14/2005)

06/15/2005	<u>14</u>	AMENDED COMPLAINT against Follett Higher Education Group, Inc., filed by Campus Stores of Mass., Inc..(Croft, Bradley) (Entered: 06/15/2005)
06/23/2005	<u>15</u>	Amended MOTION for Preliminary Injunction by Campus Stores of Mass., Inc..(Croft, Bradley) (Entered: 06/23/2005)
06/23/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> Amended MOTION for Preliminary Injunction filed by Campus Stores of Mass., Inc.. (Croft, Bradley) (Entered: 06/23/2005)
06/24/2005		Electronic Clerk's Notes for proceedings held before Judge Nancy Gertner: Motion Hearing held on 6/24/2005 re <u>15</u> Amended MOTION for Preliminary Injunction filed by Campus Stores of Mass Inc. ORDERED: court made finding on the record that pltf is likely to succeed on the merits; court reserves finding of irreparable harm, parties must try and settle this matter on or before 7/1/05, court adjourned. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 06/24/2005)
06/24/2005	<u>17</u>	AMENDED COMPLAINT against Follett Higher Education Group, Inc., filed by Campus Stores of Mass., Inc..(Croft, Bradley) (Entered: 06/24/2005)
06/29/2005	<u>18</u>	ANSWER to Complaint with Jury Demand by Follett Higher Education Group, Inc..(Maguire, Timothy) (Entered: 06/29/2005)
07/01/2005	<u>19</u>	Letter/request (non-motion) from Plaintiff <i>Requesting Ruling on Motion for Preliminary Injunction</i> . (Croft, Bradley) Modified on 7/6/2005 to correct text (Filo, Jennifer). (Entered: 07/01/2005)
07/15/2005	<u>20</u>	TRANSCRIPT of Motion Hearing held on June 24, 2005 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained

		by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/15/2005)
07/26/2005	<u>21</u>	SUMMONS Returned Executed (Croft, Bradley) (Entered: 07/26/2005)
08/02/2005	<u>22</u>	Judge Nancy Gertner: MEMORANDUM AND ORDER RE: <u>15</u> Amended MOTION for Preliminary Injunction filed by Campus Stores of Mass., Inc., (Filo, Jennifer) (Entered: 08/02/2005)
08/02/2005	<u>23</u>	Judge Nancy Gertner: ORDER entered; PRELIMINARY INJUNCTION(Filo, Jennifer) (Entered: 08/02/2005)
08/03/2005	<u>24</u>	NOTICE OF APPEAL as to <u>22</u> Memorandum & ORDER, <u>23</u> Preliminary Injunction by Follett Higher Education Group, Inc.. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/23/2005. (Berthiaume, Mark) (Entered: 08/03/2005)
08/04/2005	•	Filing fee: \$ 255.00, receipt number 66019 regarding Notice of Appeal (Filo, Jennifer) (Entered: 08/05/2005)
08/08/2005	<u>25</u>	MOTION for Clarification <i>and/or Reconsideration of Preliminary Injunction and, Alternatively, for Stay Pending Appeal (With Request for Oral Argument)</i> by Follett Higher Education Group, Inc..(Berthiaume, Mark) (Entered: 08/08/2005)
08/08/2005	<u>26</u>	AFFIDAVIT of Kenneth K. Quigley, Jr. by Follett Higher Education Group, Inc.. (Berthiaume, Mark) (Entered: 08/08/2005)

08/08/2005	<u>27</u>	AFFIDAVIT of Amanda Chase by Follett Higher Education Group, Inc.. (Attachments: # <u>1</u> Exhibit A) (Berthiaume, Mark) (Entered: 08/08/2005)
08/12/2005	<u>28</u>	MOTION for Clarification <i>and/or Reconsideration of Preliminary Injunction and, Alternative, for Stay Pending Appeal (with Request for Oral Argument) (REVISED)</i> by Follett Higher Education Group, Inc.. (Berthiaume, Mark) (Entered: 08/12/2005)
08/12/2005	<u>29</u>	AFFIDAVIT of Amanda Chase (<i>REVISED</i>) by Follett Higher Education Group, Inc.. (Attachments: # <u>1</u> Exhibit A)(Berthiaume, Mark) (Entered: 08/12/2005)
08/15/2005		Judge Nancy Gertner: Electronic ORDER entered finding as moot <u>25</u> Motion for Clarification. Revised motion filed on 8/12/2005. (Filo, Jennifer) (Entered: 08/15/2005)
08/17/2005	<u>30</u>	Opposition re <u>28</u> MOTION for Clarification <i>and/or Reconsideration of Preliminary Injunction and, Alternative, for Stay Pending Appeal (with Request for Oral Argument) (REVISED)</i> filed by Campus Stores of Mass., Inc.. (Croft, Bradley) (Entered: 08/17/2005)